



2009 SENATE BILL 146

1 **AN ACT** *to amend* 6.28 (2) (c), 7.30 (2) (am), 15.377 (4) (f), 15.57 (3), 16.971 (15),
2 16.972 (2) (b), 16.974 (2) and (3), 16.9785, 16.99 (2g), 20.505 (1) (is), 27.01 (7)
3 (c) 10., 28.06 (1), 29.301 (1) (a), 30.74 (1) (a), 36.11 (36m), 38.001 (3) (a), 38.04
4 (27), 38.14 (3) (a) and (bm), 39.41 (1) (bm), 39.41 (1m) (a) (intro.), (b), (c) 4. and
5 5., (e), (em), (g) and (j), 45.09 (2), 45.20 (2) (a) 1., (c) 1. and (d) 1., 46.275 (3r) (a)
6 3., 48.345 (12) (c), 48.355 (2) (c), 48.396 (1), 48.65 (2) (b), 48.78 (2) (b), 49.26 (1)
7 (g) 2., 51.45 (4) (d), 103.23 (2) (intro.) and (a), 103.25 (3m) (c) and (5), 103.27 (3),
8 103.275 (8), 103.67 (2) (c), 103.71 (1) (b), 115.28 (7) (b) and (e) 1. and (11) (intro.),
9 115.28 (53), 115.34 (2), 115.341, 115.343 (1), 115.345 (7m), 115.36 (1) and (2) (a),
10 (b) and (d) 3., 115.365 (1), (2) (a) and (b) and (3), 115.368 (1) and (2) (a) and (b),
11 115.42 (1) (a) 2., 115.42 (2) (a) 2., 115.52 (3) (b) 1., 115.52 (3) (b) 2., 115.52 (3) (b)
12 10., 115.525 (3) (b) 2., 116.01, 116.032 (1) and (3) (a) (intro.), 118.025, 118.07 (3),
13 118.08 (1), 118.125 (2) (n), 118.125 (4), 118.127 (2), 118.145 (3) and (4), 118.15
14 (1) (a), 118.15 (1) (d) 4., 118.153 (1) (b), 118.16 (2) (e), 118.255 (2), 118.257 (1) (d),

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118.29 (2) (a) (intro.) and 3. and (b) and (3), 118.291 (1g) (b), 118.295, 120.18 (1)
(a) 2. and (s), 121.05 (1) (a) 7., 121.76 (1) (a), 121.76 (2) (c), 121.78 (4), 125.09
(2) (a) 2., 125.68 (3) (intro.), 252.15 (1) (ab) and (2) (a) 7. a., 255.30 (4), 301.45
(1d) (c), 301.46 (4) (a) 1., 343.06 (1) (c), 343.07 (1c), 343.16 (1) (c) 3., 447.06 (2)
(a) 2., 895.48 (1m) (a) (intro.), 895.515 (2), 938.34 (7d) (c), 938.34 (14t), 938.342
(1r), 938.355 (2) (c), 938.396 (1) (b) 2., 938.396 (1) (c) 3. (intro.), a., c. and d. and
4., 938.396 (2g) (m), 938.78 (2) (b), 939.632 (1) (a) and (d) 3., 944.21 (8) (b) 2.,
948.095 (1) (a), 948.11 (4) (b) 2., 948.50 (2) (a), 948.61 (1) (b), 961.49 (1m) (b) 6.
and 961.495; and **to create** 15.377 (8) (c) 14., 16.972 (1) (cm), 38.01 (9m), 39.41
(1) (br), 45.09 (1) (d), 48.02 (18m), 48.345 (12) (a) 5., 49.26 (1) (a) 2. bm., 103.21
(7), 103.64 (6), 115.001 (15m), 118.16 (2) (f), 118.162 (1) (am) and (m), 118.29
(4m), 118.291 (2) (c), 121.78 (5), 938.02 (18e), 938.34 (7d) (a) 5. and 938.396 (1)
(b) 2m. of the statutes; **relating to:** providing benefits and protections to tribal
schools and tribal school pupils and staff similar to those provided to private
schools and private school pupils and staff and making an appropriation.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 6.28 (2) (c) of the statutes is amended to read:

6.28 (2) (c) The principal of any private high school having or of any tribal school, as defined in s. 115.001 (15m), that operates high school grades that has a substantial number of students residing in a municipality may request the municipal clerk to establish registration dates when a special registration deputy will be present in the high school, or to appoint a special school registration deputy

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1 in accordance with par. (b). The clerk shall establish registration dates or appoint
2 a special school registration deputy in the high school if the clerk determines the
3 school to have a substantial number of students residing in the municipality.

4 **SECTION 2.** 7.30 (2) (am) of the statutes is amended to read:

5 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is
6 16 or 17 years of age and who is enrolled in grades 9 to 12 in a public or private school
7 or in a tribal school, as defined in s. 115.001 (15m), may serve as an inspector at the
8 polling place serving the pupil's residence, with the approval of the pupil's parent or
9 guardian. Any pupil who has at least a 3.0 grade point average or the equivalent may
10 serve. In addition, a school board or governing body of a private school or tribal school
11 may establish criteria for service by a pupil who does not have at least a 3.0 grade
12 point average or the equivalent. A pupil may serve as an inspector at a polling place
13 under this paragraph only if at least one election official at the polling place other
14 than the chief inspector is a qualified elector of this state. No pupil may serve as chief
15 inspector at a polling place under this paragraph. Before appointment by any
16 municipality of a pupil as an inspector under this paragraph, the municipal clerk
17 shall obtain written authorization from the pupil's parent or guardian for the pupil
18 to serve for the election for which he or she is appointed. In addition, if a pupil does
19 not have at least a 3.0 grade point average or the equivalent, the municipal clerk
20 shall obtain written certification from the principal of the school where the pupil is
21 enrolled that the pupil meets any criteria established by the school board or
22 governing body for service as an inspector. Upon appointment of a pupil to serve as
23 an inspector, the municipal clerk shall notify the principal of the school where the
24 pupil is enrolled of the name of the pupil and the date of the election at which the
25 pupil has been appointed to serve.

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SECTION 3. 15.377 (4) (f) of the statutes is amended to read:

15.377 **(4)** (f) Representatives of private schools and, charter schools, and tribal schools, as defined in s. 115.001 (15m).

SECTION 4. 15.377 (8) (c) 14. of the statutes is created to read:

15.377 **(8)** (c) 14. One person licensed as a teacher and actively employed in a tribal school, as defined in s. 115.001 (15m), recommended by a federally recognized American Indian tribe or band in this state that has a tribal school.

SECTION 5. 15.57 (3) of the statutes is amended to read:

15.57 **(3)** One representative of public schools and one representative of private schools or of tribal schools, as defined in s. 115.001 (15m), appointed for 4-year terms.

SECTION 6. 16.971 (15) of the statutes is amended to read:

16.971 **(15)** Provide private schools and tribal schools, as defined in s. 115.001 (15m), with telecommunications access under s. 16.997 and contract with telecommunications providers to provide that access.

SECTION 7. 16.972 (1) (cm) of the statutes is created to read:

16.972 **(1)** (cm) “Qualified tribal school” means a tribal school as defined in s. 115.001 (15m).

SECTION 8. 16.972 (2) (b) of the statutes is amended to read:

16.972 **(2)** (b) Except as provided in par. (a), provide such computer services and telecommunications services to local governmental units and the broadcasting corporation and provide such telecommunications services to qualified private schools, tribal schools, postsecondary institutions, museums, and zoos, as the department considers to be appropriate and as the department can efficiently and economically provide. The department may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior

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1 to exercising this power and it does not increase the rates chargeable to users served
2 prior to exercise of this power as a result of exercising this power. The department
3 may charge local governmental units, the broadcasting corporation, and qualified
4 private schools, tribal schools, postsecondary institutions, museums, and zoos, for
5 services provided to them under this paragraph in accordance with a methodology
6 determined by the department. Use of telecommunications services by a qualified
7 private school, tribal school, or postsecondary institution shall be subject to the same
8 terms and conditions that apply to a municipality using the same services. The
9 department shall prescribe eligibility requirements for qualified museums and zoos
10 to receive telecommunications services under this paragraph.

11 **SECTION 9.** 16.974 (2) and (3) of the statutes are amended to read:

12 16.974 **(2)** Subject to s. 16.972 (2) (b), enter into and enforce an agreement with
13 any agency, any authority, any unit of the federal government, any local
14 governmental unit, ~~or any entity in the private sector,~~ or any tribal school, as defined
15 in s. 115.001 (15m), to provide services authorized to be provided by the department
16 to that agency, authority, unit, ~~or entity,~~ or tribal school at a cost specified in the
17 agreement.

18 **(3)** Develop or operate and maintain any system or device facilitating Internet
19 or telephone access to information about programs of agencies, authorities, local
20 governmental units, ~~or entities in the private sector, or~~ any tribal schools, as defined
21 in s. 115.001 (15m), or otherwise permitting the transaction of business by agencies,
22 authorities, local governmental units, ~~or entities in the private sector,~~ or tribal
23 schools by means of electronic communication. The department may assess
24 executive branch agencies, other than the board of regents of the University of
25 Wisconsin System, for the costs of systems or devices relating to information

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1 technology or telecommunications that are developed, operated, or maintained
2 under this subsection in accordance with a methodology determined by the
3 department. The department may also charge any agency, authority, local
4 governmental unit, ~~or~~ entity in the private sector, or tribal school for such costs as
5 a component of any services provided by the department to that agency, authority,
6 local governmental unit, ~~or~~ entity, or tribal school.

7 **SECTION 10.** 16.9785 of the statutes is amended to read:

8 **16.9785 Purchases of computers by teachers.** The department shall
9 negotiate with private vendors to facilitate the purchase of computers and other
10 educational technology, as defined in s. 24.60 (1r), by public ~~and~~ private, and tribal
11 elementary and secondary school teachers for their private use. The department
12 shall attempt to make available types of computers and other educational technology
13 under this section that will encourage and assist teachers in becoming
14 knowledgeable about the technology and its uses and potential uses in education.

15 **SECTION 11.** 16.99 (2g) of the statutes is amended to read:

16 16.99 **(2g)** “Educational agency” means a school district, charter school
17 sponsor, juvenile correctional facility, private school, tribal school, as defined in s.
18 115.001 (15m), cooperative educational service agency, technical college district,
19 private college, public library system, public library board, public museum, the
20 Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational
21 Services Program for the Deaf and Hard of Hearing.

22 **SECTION 12.** 20.505 (1) (is) of the statutes is amended to read:

23 20.505 **(1)** (is) *Information technology and communications services; nonstate*
24 *entities.* From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2) and (3),
25 and 16.997 (2) (d), to provide computer, telecommunications, electronic

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1 communications, and supercomputer services to state authorities, units of the
2 federal government, local governmental units, tribal schools, and entities in the
3 private sector, the amounts in the schedule.

4 **SECTION 13.** 27.01 (7) (c) 10. of the statutes is amended to read:

5 27.01 (7) (c) 10. Any motor vehicle operated for the purpose of transporting
6 pupils to or from curricular or extracurricular activities of a public or private school
7 ~~or~~ a tribal school as defined in s. 115.001 (15m), or a home-based private educational
8 program under s. 118.15 (4) or for the purpose of transporting students to or from an
9 outdoor academic class given by an accredited college or university in this state. The
10 operator of a motor vehicle transporting pupils or students under this subdivision
11 shall possess and exhibit for inspection a written authorization from an
12 administrator of the school, home-based private educational program, or college or
13 university indicating that admission to the vehicle admission area is part of an
14 official school, home-based private educational program, or college or university
15 function and indicating the date for which the authorization is applicable. A
16 separate authorization is required for each date on which the motor vehicle is
17 admitted to the vehicle admission area under this subdivision.

18 **SECTION 14.** 28.06 (1) of the statutes is amended to read:

19 28.06 (1) LIMITATION. Only planting stock of species and sizes suitable for forest
20 and woodlot planting and for planting by school pupils, including pupils at a tribal
21 school, as defined in s. 115.001 (15m), to celebrate arbor day under s. 118.025 shall
22 be produced in state forest nurseries. The department may employ labor at
23 prevailing local wages for nursery operation or reforestation.

24 **SECTION 15.** 29.301 (1) (a) of the statutes is amended to read:

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1 29.301 (1) (a) In this subsection, “school” means a public or private elementary
2 or secondary school, including a charter school, a tribal school, as defined in s.
3 115.001 (15m), or a technical college.

4 **SECTION 16.** 30.74 (1) (a) of the statutes is amended to read:

5 30.74 (1) (a) The department shall create comprehensive courses on boating
6 safety and operation. These courses shall be offered in cooperation with schools,
7 including tribal schools, as defined in s. 115.001 (15m), private clubs and
8 organizations, and may be offered by the department in areas where requested and
9 where other sponsorship is unavailable. The department shall issue certificates to
10 persons 10 years of age or older successfully completing such courses. The
11 department shall prescribe the course content and the form of the certificate.

12 **SECTION 17.** 36.11 (36m) of the statutes is amended to read:

13 36.11 (36m) SCHOOL SAFETY RESEARCH. The board shall direct the schools of
14 education and other appropriate research-oriented departments within the system,
15 to work with the technical college system board under s. 38.04 (27), school districts,
16 private schools, tribal schools, as defined in s. 115.001 (15m), and the department of
17 public instruction to present to school districts ~~and, private schools, and tribal~~
18 schools the results of research on models for and approaches to improving school
19 safety and reducing discipline problems in schools and at school activities.

20 **SECTION 18.** 38.001 (3) (a) of the statutes is amended to read:

21 38.001 (3) (a) 1. Contract with secondary schools, including tribal schools, to
22 provide educational opportunities for high school age students in order to enhance
23 their potential for benefiting from postsecondary education and for obtaining
24 employment.

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1 2. Coordinate and cooperate with secondary schools, including tribal schools,
2 to facilitate the transition of secondary school students into postsecondary technical
3 college education through curriculum articulation and collaboration.

4 **SECTION 19.** 38.01 (9m) of the statutes is created to read:

5 **38.01 (9m)** “Tribal school” has the meaning given in s. 115.001 (15m).

6 **SECTION 20.** 38.04 (27) of the statutes is amended to read:

7 **38.04 (27) SCHOOL SAFETY.** The board shall work with schools of education and
8 other departments of the University of Wisconsin System under s. 36.11 (36m),
9 school districts, private schools, tribal schools, and the department of public
10 instruction to present to school districts ~~and, private schools, and tribal schools~~ the
11 results of research on models for and approaches to improving school safety and
12 reducing discipline problems in schools and at school activities.

13 **SECTION 21.** 38.14 (3) (a) and (bm) of the statutes are amended to read:

14 **38.14 (3) (a)** The district board may enter into contracts to provide educational
15 services to public and private educational institutions, tribal schools, federal and
16 state agencies, local governmental bodies, industries, and businesses.

17 **(bm)** The district board may enter into contracts to provide fiscal and
18 management services to public and private educational institutions, tribal schools,
19 federal and state agencies, and local governmental units.

20 **SECTION 22.** 39.41 (1) (bm) of the statutes is amended to read:

21 **39.41 (1) (bm)** “Senior” means a pupil enrolled in the 12th grade in a public or
22 private high school, a tribal school, the school operated by the Wisconsin Educational
23 Services Program for the Deaf and Hard of Hearing, or the school operated by the
24 Wisconsin Center for the Blind and Visually Impaired.

25 **SECTION 23.** 39.41 (1) (br) of the statutes is created to read:

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39.41 (1) (br) “Tribal school” has the meaning given in s. 115.001 (15m).

SECTION 24. 39.41 (1m) (a) (intro.), (b), (c) 4. and 5., (e), (em), (g) and (j) of the statutes are amended to read:

39.41 (1m) (a) (intro.) Subject to par. (d), by February 15 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school shall:

(b) By February 15 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school may, for each high school with an enrollment of less than 80 pupils, nominate the senior with the highest grade point average in all subjects who may be designated as a scholar by the executive secretary under par. (c) 3.

(c) 4. For each public ~~or~~ private, or tribal high school with an enrollment of at least 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private or tribal high school of the number of scholars to be designated under par. (a).

5. For each public ~~or~~ private, or tribal high school with an enrollment of less than 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private or tribal high school that the school board or governing body may nominate a senior under par. (b) who may be designated as a scholar by the executive secretary.

(e) Except as provided under par. (em), if 2 or more seniors from the same high school of less than 80 pupils have the same grade point average and, except for the limitation of one nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by

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1 the school board of the school district operating the public high school or the
2 governing body of the private or tribal high school for designation under par. (b) as
3 a scholar by the executive secretary. If that senior is designated as a scholar by the
4 executive secretary and does not qualify for a higher education scholarship under
5 sub. (2) (a) or (3) (a), faculty of the high school shall select one or more of the
6 remaining seniors with the same grade point average for certification as a scholar
7 and the school board of the school district operating the high school or the governing
8 body of the private or tribal high school shall certify to the board one or more of these
9 seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a)
10 or (3) (a) until the scholarship may be awarded by the board.

11 (em) If the high school weights different courses differently to determine a
12 pupil's grade point average, and the senior designated as a scholar by the executive
13 secretary under par. (e) does not qualify for a higher education scholarship under
14 sub. (2) (a) or (3) (a), the faculty of the high school shall select one senior with the
15 same grade point average for certification as a scholar, or, if there is no senior with
16 the same grade point average, one senior with the next highest grade point average
17 for certification as a scholar, and the school board of the school district operating the
18 high school or the governing body of the private or tribal high school shall certify to
19 the board the selected senior as eligible for a higher education scholarship as a
20 scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

21 (g) Notwithstanding par. (a), if a high school of at least 80 pupils closes or
22 merges in the 1991–92 school year or in any school year thereafter, the school board
23 of the school district operating the high school or the governing body of the private
24 or tribal high school shall, subject to par. (d), for each of the 2 school years following
25 the closure or merger, designate the same number of scholars from among the pupils

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1 enrolled in the high school at the time of closure or merger as the number of scholars
2 designated for that high school in the school year the high school closed or merged.
3 Any seniors designated under this paragraph shall be eligible for an original
4 scholarship under this section.

5 (j) In the event that 2 or more seniors from the same high school of at least 80
6 pupils have the same grade point average and are otherwise eligible for designation
7 under par. (a), the school board of the school district operating the high school or the
8 governing body of the private or tribal high school shall make the designation of the
9 faculty of the high school for purposes of par. (d) or (i).

10 **SECTION 25.** 45.09 (1) (d) of the statutes is created to read:

11 45.09 (1) (d) “Tribal school” has the meaning given in s. 115.001 (15m).

12 **SECTION 26.** 45.09 (2) of the statutes is amended to read:

13 45.09 (2) Subject to sub. (3), the department shall award a certificate of
14 achievement and appreciation to any veteran who completes 20 hours of volunteer
15 service in a public ~~or~~ private, or tribal school during a school term.

16 **SECTION 27.** 45.20 (2) (a) 1., (c) 1. and (d) 1. of the statutes are amended to read:

17 45.20 (2) (a) 1. The department shall administer a tuition reimbursement
18 program for eligible veterans enrolling as undergraduates in any institution of
19 higher education in this state, enrolling in a school that is approved under s. 45.03
20 (11), enrolling in a proprietary school that is approved under s. 38.50, enrolling in a
21 public or private high school, enrolling in a tribal school, as defined in s. 115.011
22 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident tuition under
23 s. 39.47.

24 (c) 1. A veteran who meets the eligibility requirements under par. (b) 1. may
25 be reimbursed upon satisfactory completion of an undergraduate semester in any

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1 institution of higher education in this state, or upon satisfactory completion of a
2 course at any school that is approved under s. 45.03 (11), any proprietary school that
3 is approved under s. 38.50, any public or private high school, any tribal school, as
4 defined in s. 115.001 (15m), that operates any grade from 9 to 12, or any institution
5 from which the veteran receives a waiver of nonresident tuition under s. 39.47.
6 Except as provided in par. (e), the amount of reimbursement may not exceed the total
7 cost of the veteran's tuition minus any grants or scholarships that the veteran
8 receives specifically for the payment of the tuition, or, if the tuition is for an
9 undergraduate semester in any institution of higher education, the standard cost of
10 tuition for a state resident for an equivalent undergraduate semester at the
11 University of Wisconsin–Madison, whichever is less.

12 (d) 1. A veteran's eligibility for reimbursement under this subsection at any
13 institution of higher education in this state, at a school that is approved under s.
14 45.03 (11), at a proprietary school that is approved under s. 38.50, at a public or
15 private high school, at a tribal school, as defined in s. 115.001 (15m), that operates
16 any grade from 9 to 12, or at an institution where he or she is receiving a waiver of
17 nonresident tuition under s. 39.47 is limited to the following:

18 **SECTION 28.** 46.275 (3r) (a) 3. of the statutes is amended to read:

19 46.275 (3r) (a) 3. The person will be relocated into the home of the person's
20 parent or guardian and will be receiving state monitoring of the relocation and
21 services provided by a public or private school or a tribal school, as defined in s.
22 115.001 (15m).

23 **SECTION 29.** 48.02 (18m) of the statutes is created to read:

24 48.02 (18m) "Tribal school" has the meaning given in s. 115.001 (15m).

25 **SECTION 30.** 48.345 (12) (a) 5. of the statutes is created to read:

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1 48.345 (12) (a) 5. Pursuant to a contractual agreement with the school district
2 in which the child resides, an educational program provided by a tribal school.

3 **SECTION 31.** 48.345 (12) (c) of the statutes is amended to read:

4 48.345 (12) (c) The judge shall order the county department, department, in
5 a county having a population of 500,000 or more, or licensed child welfare agency
6 responsible for supervising the child to disclose to the school board, technical college
7 district board, tribal school, or private, nonprofit, nonsectarian agency which is
8 providing an educational program under par. (a) 3. records or information about the
9 child, as necessary to assure the provision of appropriate educational services under
10 par. (a).

11 **SECTION 32.** 48.355 (2) (c) of the statutes is amended to read:

12 48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,
13 the order shall specify what constitutes a violation of the condition and shall direct
14 the school board of the school district, or the governing body of the private school, in
15 which the child is enrolled, or shall request the governing body of the tribal school
16 in which the child is enrolled, to notify the county department that is responsible for
17 supervising the child or, in a county having a population of 500,000 or more, the
18 department within 5 days after any violation of the condition by the child.

19 **SECTION 33.** 48.396 (1) of the statutes is amended to read:

20 48.396 (1) Law enforcement officers' records of children shall be kept separate
21 from records of adults. Law enforcement officers' records of the adult expectant
22 mothers of unborn children shall be kept separate from records of other adults. Law
23 enforcement officers' records of children and the adult expectant mothers of unborn
24 children shall not be open to inspection or their contents disclosed except under sub.
25 (1b), (1d), (5), or (6) or s. 48.293 or by order of the court. This subsection does not

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1 apply to the representatives of newspapers or other reporters of news who wish to
2 obtain information for the purpose of reporting news without revealing the identity
3 of the child or adult expectant mother involved, to the confidential exchange of
4 information between the police and officials of the public or private school attended
5 by the child or other law enforcement or social welfare agencies, or to children 10
6 years of age or older who are subject to the jurisdiction of the court of criminal
7 jurisdiction. A public school official who obtains information under this subsection
8 shall keep the information confidential as required under s. 118.125, and a private
9 school official who obtains information under this subsection shall keep the
10 information confidential in the same manner as is required of a public school official
11 under s. 118.125. This subsection does not apply to the confidential exchange of
12 information between the police and officials of the tribal school attended by the child
13 if the police determine that enforceable protections are provided by a tribal school
14 policy or tribal law that requires tribal school officials to keep the information
15 confidential in a manner at least as stringent as is required of a public school official
16 under s. 118.125. A law enforcement agency that obtains information under this
17 subsection shall keep the information confidential as required under this subsection
18 and s. 938.396 (1) (a). A social welfare agency that obtains information under this
19 subsection shall keep the information confidential as required under ss. 48.78 and
20 938.78.

21 **SECTION 34.** 48.65 (2) (b) of the statutes is amended to read:

22 48.65 (2) (b) A public or parochial school or a tribal school.

23 **SECTION 35.** 48.78 (2) (b) of the statutes is amended to read:

24 48.78 (2) (b) Paragraph (a) does not apply to the confidential exchange of
25 information between an agency and another social welfare agency, a law

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1 enforcement agency, a public school, or a private school regarding an individual in
2 the care or legal custody of the agency. A social welfare agency that obtains
3 information under this paragraph shall keep the information confidential as
4 required under this section and s. 938.78. A law enforcement agency that obtains
5 information under this paragraph shall keep the information confidential as
6 required under ss. 48.396 (1) and 938.396 (1) (a). A public school that obtains
7 information under this paragraph shall keep the information confidential as
8 required under s. 118.125, and a private school that obtains information under this
9 paragraph shall keep the information confidential in the same manner as is required
10 of a public school under s. 118.125. Paragraph (a) does not apply to the confidential
11 exchange of information between an agency and officials of a tribal school regarding
12 an individual in the care or legal custody of the agency if the agency determines that
13 enforceable protections are provided by a tribal school policy or tribal law that
14 requires tribal school officials to keep the information confidential in a manner at
15 least as stringent as is required of a public school official under s. 118.125.

16 **SECTION 36.** 49.26 (1) (a) 2. bm. of the statutes is created to read:

17 49.26 (1) (a) 2. bm. A tribal school, as defined in s. 115.001 (15m).

18 **SECTION 37.** 49.26 (1) (g) 2. of the statutes is amended to read:

19 49.26 (1) (g) 2. The individual has not graduated from a public ~~or~~ private, or
20 tribal high school or obtained a declaration of equivalency of high school graduation
21 under s. 115.29 (4).

22 **SECTION 38.** 51.45 (4) (d) of the statutes is amended to read:

23 51.45 (4) (d) Cooperate with the department of public instruction, local boards
24 of education, schools, including tribal schools, as defined in s. 115.001 (15m), police
25 departments, courts, and other public and private agencies, organizations, and

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1 individuals in establishing programs for the prevention of alcoholism and treatment
2 of alcoholics and intoxicated persons, and preparing curriculum materials thereon
3 for use at all levels of school education.

4 **SECTION 39.** 103.21 (7) of the statutes is created to read:

5 103.21 (7) “Tribal school” has the meaning given in s. 115.001 (15m).

6 **SECTION 40.** 103.23 (2) (intro.) and (a) of the statutes are amended to read:

7 103.23 (2) (intro.) A minor under 12 years of age may work in a fund-raising
8 sale for a nonprofit organization, a public school ~~or~~, a private school, or a tribal school
9 under the following conditions:

10 (a) Each minor must give the nonprofit organization, public school ~~or~~, private
11 school, or tribal school written approval from the minor’s parent or guardian.

12 **SECTION 41.** 103.25 (3m) (c) and (5) of the statutes are amended to read:

13 103.25 (3m) (c) This subsection does not apply to employment of a minor by a
14 newspaper publisher or in a fund-raising sale for a nonprofit organization, a public
15 school ~~or~~, a private school, or a tribal school.

16 (5) This section does not apply to employment of a minor in a fund-raising sale
17 for a nonprofit organization, a public school ~~or~~, a private school, or a tribal school.

18 **SECTION 42.** 103.27 (3) of the statutes is amended to read:

19 103.27 (3) This section does not apply to employment of a minor in a
20 fund-raising sale for a nonprofit organization, a public school ~~or~~, a private school, or
21 a tribal school.

22 **SECTION 43.** 103.275 (8) of the statutes is amended to read:

23 103.275 (8) EXCEPTION. This section does not apply to the employment of a
24 minor by a newspaper publisher or in a fund-raising sale for a nonprofit
25 organization, a public school ~~or~~, a private school, or a tribal school.

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SECTION 44. 103.64 (6) of the statutes is created to read:

103.64 **(6)** “Tribal school” has the meaning given in s. 115.001 (15m).

SECTION 45. 103.67 (2) (c) of the statutes is amended to read:

103.67 **(2)** (c) Minors 12 years of age or older may be employed in street trades, and any minor may work in fund-raising sales for nonprofit organizations, public schools or private schools, or tribal schools, as provided in ss. 103.21 to 103.31.

SECTION 46. 103.71 (1) (b) of the statutes is amended to read:

103.71 **(1)** (b) A diploma or certificate to this effect issued by the superintendent of the parochial school system or by the principal of the parochial or private school or tribal school last attended by such minor. Such superintendent, principal, or clerk shall issue such diploma or certificate upon receipt of any application in behalf of any minor entitled thereto. As used in this paragraph the term “school district” shall apply to all regularly constituted school districts, including union free high school districts.

SECTION 47. 115.001 (15m) of the statutes is created to read:

115.001 **(15m)** “Tribal school” means an institution with an educational program that has as its primary purpose providing education in any grade or grades from kindergarten to 12 and that is one of the following:

(a) Controlled by the elected governing body of a federally recognized American Indian tribe or band in this state.

(b) Jointly controlled by the elected governing bodies of 2 or more federally recognized American Indian tribes or bands in this state.

(c) Controlled by a tribal educational authority established by a federally recognized American Indian tribe or band in this state.

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1 (d) Controlled by a tribal educational authority established jointly by 2 or more
2 federally recognized American Indian tribes or bands in this state.

3 **SECTION 48.** 115.28 (7) (b) and (e) 1. and (11) (intro.) of the statutes are amended
4 to read:

5 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
6 applicants and granting and revocation of licenses or certificates under par. (a), the
7 state superintendent shall grant certificates and licenses to teachers in private
8 schools and tribal schools, except that teaching experience requirements for such
9 certificates and licenses may be fulfilled by teaching experience in either public or
10 private, or tribal schools. An applicant is not eligible for a license or certificate unless
11 the state superintendent finds that the private school or tribal school in which the
12 applicant taught offered an adequate educational program during the period of the
13 applicant's teaching therein. Private schools are not obligated to employ only
14 licensed or certified teachers.

15 (e) 1. In this paragraph, "alternative education program" means an
16 instructional program, approved by the school board, that utilizes successful
17 alternative or adaptive school structures and teaching techniques and that is
18 incorporated into existing, traditional classrooms or regularly scheduled curricular
19 programs or that is offered in place of regularly scheduled curricular programs.
20 "Alternative educational program" does not include a private school, a tribal school,
21 or a home-based private educational program.

22 **(11) DRIVER EDUCATION COURSES.** (intro.) Approve driver education courses
23 offered by school districts, county children with disabilities education boards, and
24 technical college districts for the purposes of s. 343.16 (1) (c) 1. and establish

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1 minimum standards for driver education courses offered in private schools and tribal
2 schools for the purposes of s. 343.16 (1) (c) 3. All driver education courses approved
3 or for which standards are established under this subsection shall do all of the
4 following:

5 **SECTION 49.** 115.28 (53) of the statutes is amended to read:

6 115.28 (53) ONLINE COURSES. Make online courses available for a reasonable
7 fee, through a statewide web academy, to school districts, cooperative educational
8 service agencies, and charter schools ~~and~~, private schools, and tribal schools located
9 in this state.

10 **SECTION 50.** 115.34 (2) of the statutes is amended to read:

11 115.34 (2) The state superintendent shall make payments to school districts,
12 private schools, charter schools under s. 118.40 (2r), tribal schools, the program
13 under s. 115.52, and the center under s. 115.525 for school lunches served to children
14 in the prior year as determined by the state superintendent from the appropriation
15 under s. 20.255 (2) (cn). Payments shall equal the state's matching obligation under
16 42 USC 1751 et seq. Payments in the current year shall be determined by prorating
17 the state's matching obligation based on the number of school lunches served to
18 children in the prior year. In this subsection, "private school" means any school
19 defined in s. 115.001 (3r) which complies with the requirements of 42 USC 2000d.

20 **SECTION 51.** 115.341 of the statutes is amended to read:

21 **115.341 School breakfast program. (1)** From the appropriation under s.
22 20.255 (2) (cm), the state superintendent shall reimburse each school board 15 cents
23 for each breakfast served at a school that meets the requirements of 7 CFR 220.8 or
24 220.8a, whichever is applicable, and shall reimburse each governing body of a
25 private school or tribal school 15 cents for each breakfast served at the private school

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1 or tribal school that meets the requirements of 7 CFR 220.8 or 220.8a, whichever is
2 applicable.

3 (2) If the appropriation under s. 20.255 (2) (cm) in any fiscal year is insufficient
4 to pay the full amount of aid under this section, the state superintendent shall
5 prorate state aid payments among the school boards and governing bodies of private
6 schools and tribal schools entitled to the aid.

7 **SECTION 52.** 115.343 (1) of the statutes is amended to read:

8 115.343 (1) The department shall establish a school day milk program. A
9 public, private, or tribal school participating in the program shall offer each eligible
10 child one half-pint of Wisconsin-produced whole milk, 2% milk, 1.5% milk, one
11 percent milk, 0.5% milk, skim milk or chocolate milk on each day in which school is
12 in session. If a child is allergic to milk or has metabolic disorders or other conditions
13 which prohibit him or her from drinking milk, the child shall be offered juice as a
14 substitute. Any school that participates in the program is encouraged to consider
15 bids from local milk suppliers. The school shall keep all information related to the
16 identity of the pupils who receive a beverage under the program confidential. In this
17 subsection, "Wisconsin-produced" means that all or part of the raw milk used by the
18 milk processor was produced in this state.

19 **SECTION 53.** 115.345 (7m) of the statutes is amended to read:

20 115.345 (7m) A private school or tribal school may establish a food services plan
21 for elderly persons. If the plan meets all of the requirements of this section and is
22 approved by the state superintendent, the private school or tribal school is eligible
23 for reimbursement in the same manner as school districts under sub. (5).

24 **SECTION 54.** 115.36 (1) and (2) (a), (b) and (d) 3. of the statutes are amended
25 to read:

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1 115.36 (1) The purpose of this section is to enable and encourage public and,
2 private, and tribal schools to develop comprehensive programs to prevent or
3 ameliorate alcohol and other drug abuse among minors.

4 (2) (a) Develop and conduct training programs for the professional staff of
5 public and, private, and tribal schools in alcohol and other drug abuse prevention,
6 intervention, and instruction programs.

7 (b) Provide consultation and technical assistance to public and, private, and
8 tribal schools for the development and implementation of alcohol and other drug
9 abuse prevention, intervention, and instruction programs.

10 (d) 3. The systematic dissemination of information concerning available
11 resources to appropriate public and, private, and tribal school staff.

12 **SECTION 55.** 115.365 (1), (2) (a) and (b) and (3) of the statutes are amended to
13 read:

14 115.365 (1) The purpose of this section is to enable and encourage public and,
15 private, and tribal schools to develop programs designed to prevent suicide among
16 minors.

17 (2) Develop and conduct training programs in suicide prevention for the
18 professional staff of public and, private, and tribal schools and county departments
19 under ss. 46.215, 46.22, and 51.42. The programs shall include information on how
20 to assist minors in the positive emotional development which will help prevent
21 suicidal tendencies; the detection, by minors, school staff, and parents, of conditions
22 which indicate suicidal tendencies; the proper action to take when there is reason to
23 believe that a minor has suicidal tendencies or is contemplating suicide; and the
24 coordination of school suicide prevention programs and activities with the suicide
25 prevention and intervention programs and activities of other state and local

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1 agencies. Persons other than the professional staff of public ~~and~~, private, and tribal
2 schools and county departments under ss. 46.215, 46.22, and 51.42 may attend the
3 training programs. The department may charge such persons a fee sufficient to cover
4 the increased costs to the department of their participation in the programs.

5 (b) Provide consultation and technical assistance to public ~~and~~, private, and
6 tribal schools for the development and implementation of suicide prevention
7 programs and the coordination of those programs with the suicide prevention and
8 intervention programs of other state and local agencies.

9 (3) Each school board and the governing body of each private school annually
10 shall inform their professional staff of the resources available from the department
11 and other sources regarding suicide prevention. The department annually shall
12 provide school boards and the governing bodies of private and tribal schools with a
13 model notice, describing the suicide prevention services that it has developed and
14 how staff may access those services, that school boards and governing bodies of
15 private and tribal schools may use to inform their professional staff.

16 **SECTION 56.** 115.368 (1) and (2) (a) and (b) of the statutes are amended to read:

17 115.368 (1) The purpose of this section is to enable and encourage public ~~and~~,
18 private, and tribal schools to develop protective behaviors programs and
19 anti-offender behavior programs designed to assist minors and their parents or
20 guardians in recognizing, avoiding, preventing, and halting physically or
21 psychologically intrusive or abusive situations that may be harmful to minors.

22 (2) (a) Develop and conduct protective behaviors training programs for the
23 professional staff of public ~~and~~, private, and tribal schools and counties under ss.
24 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437. The training programs shall include
25 information on how to assist a minor and his or her parent or guardian in

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1 recognizing, avoiding, preventing, and halting physically or psychologically
2 intrusive or abusive situations that may be harmful to the minor, including child
3 abuse, sexual abuse, and child enticement. The training programs shall emphasize
4 how to help minors to develop positive psychological, emotional, and
5 problem-solving responses to such situations, and to avoid relying on negative,
6 fearful, or solely reactive methods of dealing with such situations. The training
7 programs shall also include information on the detection, by other minors, their
8 parents or guardians, and school staff, of conditions that indicate that a minor is
9 being or has been subjected to such situations; the proper action to take when there
10 is reason to believe that a minor is being or has been subjected to such situations; and
11 the coordination of school protective behaviors programs and activities with
12 programs and activities of other state and local agencies. Persons other than the
13 professional staff of public and, private, and tribal schools and counties under ss.
14 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437 may attend the training programs.
15 The department may charge such persons a fee sufficient to cover the increased costs
16 of materials, but not personnel cost, to the department of their participation in the
17 programs. The department may not deny any resident of Wisconsin the opportunity
18 to participate in a program if the person is unable to pay any fee.

19 (b) Provide consultation and technical assistance to public and, private, and
20 tribal schools for the development and implementation of protective behaviors
21 programs and the coordination of those programs with programs of other state and
22 local agencies.

23 **SECTION 57.** 115.42 (1) (a) 2. of the statutes is amended to read:

24 115.42 **(1)** (a) 2. The person is licensed as a teacher by the state superintendent
25 or employed as a teacher in a private school or tribal school located in this state.

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1 **SECTION 58.** 115.42 (2) (a) 2. of the statutes is amended to read:

2 115.42 **(2)** (a) 2. The person maintains his or her license as a teacher issued by
3 the state superintendent or remains employed in a private school or tribal school
4 located in this state.

5 **SECTION 59.** 115.52 (3) (b) 1. of the statutes is amended to read:

6 115.52 **(3)** (b) 1. Provide evaluation services to assist local educational agencies,
7 cooperative educational service agencies, county children with disabilities education
8 boards, private schools, tribal schools, and others.

9 **SECTION 60.** 115.52 (3) (b) 2. of the statutes is amended to read:

10 115.52 **(3)** (b) 2. Provide technical assistance and consultation services to local
11 educational agencies, cooperative educational service agencies, county children with
12 disabilities education boards, private schools, tribal schools, and others.

13 **SECTION 61.** 115.52 (3) (b) 10. of the statutes is amended to read:

14 115.52 **(3)** (b) 10. Rent or lease technological materials and assistive technology
15 devices, as defined in s. 115.76 (1), to local educational agencies, cooperative
16 educational service agencies, county children with disabilities education boards, ~~and~~
17 private schools, and tribal schools.

18 **SECTION 62.** 115.525 (3) (b) 2. of the statutes is amended to read:

19 115.525 **(3)** (b) 2. Provide technical assistance and consultation services to
20 entities such as local educational agencies, cooperative educational service agencies,
21 county children with disabilities education boards ~~and~~, private schools, and tribal
22 schools.

23 **SECTION 63.** 116.01 of the statutes is amended to read:

24 **116.01 Purpose.** The organization of school districts in Wisconsin is such that
25 the legislature recognizes the need for a service unit between the school district and

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1 the state superintendent. The cooperative educational service agencies are designed
2 to serve educational needs in all areas of Wisconsin by serving as a link both between
3 school districts and between school districts and the state. Cooperative educational
4 service agencies may provide leadership, coordination, and education services to
5 school districts, University of Wisconsin System institutions, and technical colleges.
6 Cooperative educational service agencies may facilitate communication and
7 cooperation among all public and, private, and tribal schools, and all public and
8 private agencies and organizations, that provide services to pupils.

9 **SECTION 64.** 116.032 (1) and (3) (a) (intro.) of the statutes are amended to read:

10 116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to
11 pupils, a board of control may contract with school districts, University of Wisconsin
12 System institutions, technical college district boards, private schools, tribal schools,
13 and agencies or organizations that provide services to pupils. A board of control may
14 also contract with one or more school boards to operate a charter school under s.
15 118.40 (3) (c).

16 (3) (a) (intro.) A board of control may contract with a private school, tribal
17 school, or private agency or organization to provide a service or program to that
18 private school, tribal school, or private agency or organization only if all of the
19 following apply:

20 **SECTION 65.** 118.025 of the statutes is amended to read:

21 **118.025 Arbor day observance.** ~~A school~~ The principal of a public, private,
22 or tribal school may request one free tree provided from state forest nurseries by the
23 department of natural resources under s. 28.06 for each 4th grade pupil in the school
24 for planting in conjunction with an annual observance and celebration of arbor day.

25 **SECTION 66.** 118.07 (3) of the statutes is amended to read:

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1 118.07 (3) The department shall make available to school districts, private
2 schools, tribal schools, and charter schools information about meningococcal disease,
3 including the causes and symptoms of the disease, how it is spread, and how to obtain
4 additional information about the disease and the availability, effectiveness, and
5 risks of vaccinations against the disease. The department may do so by posting the
6 information on its Internet site. At the beginning of the 2006–07 to 2011–12 school
7 years, each school board and the governing body of each private school and each
8 charter school shall provide the parents and guardians of pupils enrolled in grades
9 6 to 12 in the school district or school with the information. At the beginning of the
10 2012–13 school year and each school year thereafter, each school board and the
11 governing body of each private school and each charter school shall provide the
12 parents and guardians of pupils enrolled in grade 6 in the school district or school
13 with the information.

14 **SECTION 67.** 118.08 (1) of the statutes is amended to read:

15 118.08 (1) On any street or highway which borders the grounds of any public
16 ~~or~~, private, or tribal school in which school is held for a term of not less than 6 months,
17 the authority in charge of the maintenance of the street or highway shall erect black
18 and yellow “school” warning signs. The authority may also designate school
19 crossings across any street or highway, whether or not the street or highway borders
20 on the grounds of a school.

21 **SECTION 68.** 118.125 (2) (n) of the statutes is amended to read:

22 118.125 (2) (n) For the purpose of providing services to a pupil before
23 adjudication, a school board may disclose pupil records to a law enforcement agency,
24 district attorney, city attorney, corporation counsel, agency, as defined in s. 938.78
25 (1), intake worker under s. 48.067 or 938.067, court of record, municipal court,

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1 private school, or another school board if disclosure is pursuant to an interagency
2 agreement and the person to whom the records are disclosed certifies in writing that
3 the records will not be disclosed to any other person except as permitted under this
4 subsection. For the purpose of providing services to a pupil before adjudication, a
5 school board may disclose pupil records to a tribal school if disclosure is pursuant to
6 an agreement between the school board and the governing body of the tribal school
7 and if the school board determines that enforceable protections are provided by a
8 tribal school policy or tribal law that requires the tribal school official to whom the
9 records are disclosed not to disclose the records to any other person except as
10 permitted under this subsection.

11 **SECTION 69.** 118.125 (4) of the statutes is amended to read:

12 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
13 transfer to another school, including a private or tribal school, or school district all
14 pupil records relating to a specific pupil if the transferring school district has
15 received written notice from the pupil if he or she is an adult or his or her parent or
16 guardian if the pupil is a minor that the pupil intends to enroll in the other school
17 or school district or written notice from the other school or school district that the
18 pupil has enrolled or from a court that the pupil has been placed in a juvenile
19 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center
20 for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and
21 “school district” include any juvenile correctional facility, secured residential care
22 center for children and youth, adult correctional institution, mental health institute,
23 or center for the developmentally disabled, that provides an educational program for
24 its residents instead of or in addition to that which is provided by public ~~and~~ private,
25 and tribal schools.

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SECTION 70. 118.127 (2) of the statutes is amended to read:

118.127 (2) A school district ~~or~~, private school, or tribal school may disclose information from law enforcement officers' records obtained under s. 938.396 (1) (c) 3. only to persons employed by the school district who are required by the department under s. 115.28 (7) to hold a license, to persons employed by the private school or tribal school as teachers, and to other school district ~~or~~, private school, or tribal school officials who have been determined by the school board or governing body of the private school or tribal school to have legitimate educational interests, including safety interests, in that information. In addition, if that information relates to a pupil of the school district ~~or~~, private school, or tribal school, the school district ~~or~~, private school, or tribal school may also disclose that information to those employees of the school district ~~or~~, private school, or tribal school who have been designated by the school board or governing body of the private school or tribal school to receive that information for the purpose of providing treatment programs for pupils enrolled in the school district ~~or~~, private school, or tribal school. A school district may not use law enforcement officers' records obtained under s. 938.396 (1) (c) 3. as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action, including action under the school district's athletic code, against a pupil.

SECTION 71. 118.145 (3) and (4) of the statutes are amended to read:

118.145 (3) If the superintendent of a private school or of a tribal school files with the department the course of study for elementary grades prescribed by such school and if such course of study is substantially equivalent to the course of study prepared for elementary grades by the department, a certificate or diploma or other written evidence issued by the superintendent of the private school or tribal school

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1 showing that the pupil has completed such course of study shall entitle the pupil to
2 admission to a public high school. The certificate or diploma or a certified copy
3 thereof or a certified copy of a list of graduates shall be filed with the school district
4 clerk of the school district operating the high school.

5 (4) The school board of a school district operating high school grades shall allow
6 a pupil enrolled in a private school, a pupil enrolled in a tribal school, or a pupil
7 enrolled in a home-based educational program, who has met the standards for
8 admission to high school under sub. (1), to take up to 2 courses during each school
9 semester if the pupil resides in the school district in which the public school is located
10 and if the school board determines that there is sufficient space in the classroom.

11 **SECTION 72.** 118.15 (1) (a) of the statutes is amended to read:

12 118.15 (1) (a) Except as provided under pars. (b) to (d) and (g) and sub. (4),
13 unless the child is excused under sub. (3) or has graduated from high school, any
14 person having under control a child who is between the ages of 6 and 18 years shall
15 cause the child to attend school regularly during the full period and hours, religious
16 holidays excepted, that the public ~~or~~, private, or tribal school in which the child
17 should be enrolled is in session until the end of the school term, quarter or semester
18 of the school year in which the child becomes 18 years of age.

19 **SECTION 73.** 118.15 (1) (d) 4. of the statutes is amended to read:

20 118.15 (1) (d) 4. Enrollment in any nonsectarian private school or program, or
21 tribal school, located in the school district in which the child resides, which complies
22 with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision
23 shall be pursuant to a contractual agreement which under s. 121.78 (5) that provides
24 for the payment of the child's tuition by the school district.

25 **SECTION 74.** 118.153 (1) (b) of the statutes is amended to read:

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1 118.153 (1) (b) “Dropout” means a child who ceased to attend school, does not
2 attend a public ~~or~~, private, or tribal school, technical college, or home-based private
3 educational program on a full-time basis, has not graduated from high school, and
4 does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3).

5 **SECTION 75.** 118.16 (2) (e) of the statutes is amended to read:

6 118.16 (2) (e) Shall Except as provided in par. (f), shall have access to
7 information regarding the attendance of any child between the ages of 6 and 18 who
8 is a resident of the school district or who claims or is claimed to be in attendance at
9 a private school located in the school district.

10 **SECTION 76.** 118.16 (2) (f) of the statutes is created to read:

11 118.16 (2) (f) Shall request information regarding the attendance of any child
12 between the ages of 6 and 18 who is a resident of the school district and who claims
13 or is claimed to be in attendance at a tribal school, or who is not a resident of the
14 school district and who claims or is claimed to be in attendance at a tribal school
15 located in the school district.

16 **SECTION 77.** 118.162 (1) (am) and (m) of the statutes are created to read:

17 118.162 (1) (am) A representative from each tribal school in the county,
18 designated by the governing body of the tribal school that he or she represents, who
19 may be a member of the tribal school governing body, school administrator, teacher,
20 pupil services professional, or parent of a child enrolled in that tribal school.

21 (m) A parent of a pupil enrolled in a tribal school located in the county, who
22 resides in the county, designated by the county board.

23 **SECTION 78.** 118.255 (2) of the statutes is amended to read:

24 118.255 (2) (a) If a school board, cooperative educational service agency, or
25 county children with disabilities education board provides physical or mental health

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1 treatment services to its pupils, it may also provide such services within the private
2 school or tribal school facilities to those private school or tribal school pupils who are
3 referred to the public school board, cooperative educational service agency, or county
4 children with disabilities education board by the administrator of a private school
5 or tribal school for evaluation for possible servicing. There shall be no charge for
6 health treatment services provided to any pupils unless public school students or
7 their parents are charged for similar services. For purposes of state aid, as it is
8 provided under s. 115.88 to the public school district, for the health treatment service
9 program, private school and tribal school pupils receiving such health treatment
10 services shall be counted among the pupils of the public school district receiving such
11 services, although each child may receive health treatment services within the
12 child's own school facilities, whether public ~~or~~, private, or tribal.

13 (b) A school board, cooperative educational service agency, or county children
14 with disabilities education board providing services under this section may enter
15 into agreements with the administrator of a private school or tribal school on the
16 scheduling, space, and other necessary arrangements for performance of such health
17 treatment services. A school board, cooperative educational service agency, or county
18 children with disabilities education board shall not pay any private school or tribal
19 school for any services or facilities provided under this section. Control of the health
20 treatment services program shall rest with the public school board, cooperative
21 educational service agency, or county children with disabilities education board.

22 (c) A school board, cooperative educational service agency, or county children
23 with disabilities education board may provide health treatment services only within
24 private school or tribal school facilities located within the boundaries of the school
25 district, cooperative educational service agency, or county.

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1 **SECTION 79.** 118.257 (1) (d) of the statutes is amended to read:

2 118.257 **(1)** (d) “School” means a public, parochial ~~or~~, private, or tribal school
3 which provides an educational program for one or more grades between grades 1 and
4 12 and which is commonly known as an elementary school, middle school, junior high
5 school, senior high school, or high school.

6 **SECTION 80.** 118.29 (2) (a) (intro.) and 3. and (b) and (3) of the statutes are
7 amended to read:

8 118.29 **(2)** (a) (intro.) Notwithstanding chs. 441, 447, 448, and 450, a school bus
9 operator validly authorized under ss. 343.12 and 343.17 (3) (c) to operate the school
10 bus he or she is operating, any school employee or volunteer, county children with
11 disabilities education board employee or volunteer or cooperative educational
12 service agency employee or volunteer authorized in writing by the administrator of
13 the school district, the board or the agency, respectively, or by a school principal, and
14 any private school employee or volunteer authorized in writing by a private school
15 administrator or private school principal, and any tribal school employee or
16 volunteer authorized in writing by a tribal school administrator or tribal school
17 principal:

18 3. Is Subject to sub. (4m), is immune from civil liability for his or her acts or
19 omissions in administering a drug or prescription drug to a pupil under subd. 1., 2.,
20 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This
21 subdivision does not apply to health care professionals.

22 (b) Any Subject to sub. (4m), any school district administrator, county children
23 with disabilities education board administrator, cooperative educational service
24 agency administrator, public ~~or~~, private, or tribal school principal, or private or tribal
25 school administrator who authorizes an employee or volunteer to administer a drug

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1 or prescription drug to a pupil under par. (a) is immune from civil liability for the act
2 of authorization unless it constitutes a high degree of negligence.

3 **(3) EMERGENCY CARE; CIVIL LIABILITY EXEMPTION.** Any school bus operator validly
4 authorized under ss. 343.12 and 343.17 (3) (c) to operate the school bus he or she is
5 operating and any public ~~or~~, private, or tribal school employee or volunteer, county
6 children with disabilities education board employee or volunteer, or cooperative
7 educational service agency employee or volunteer, other than a health care
8 professional, who in good faith renders emergency care to a pupil of a public ~~or~~,
9 private, or tribal school is immune from civil liability for his or her acts or omissions
10 in rendering such emergency care. The immunity from civil liability provided under
11 this subsection is in addition to and not in lieu of that provided under s. 895.48 (1).

12 **SECTION 81.** 118.29 (4m) of the statutes is created to read:

13 **118.29 (4m) APPLICABILITY TO TRIBAL SCHOOL EMPLOYEES.** The immunity under
14 sub. (2) applies to a tribal school employee, administrator, or volunteer only if the
15 governing body of the tribal school has adopted a written policy that complies with
16 sub. (4).

17 **SECTION 82.** 118.291 (1g) (b) of the statutes is amended to read:

18 118.291 **(1g)** (b) “School” includes a public and ~~a~~, private, and tribal school.

19 **SECTION 83.** 118.291 (2) (c) of the statutes is created to read:

20 118.291 **(2)** (c) No tribal school or tribal school employee is civilly liable for
21 injury to a pupil caused by a tribal school employee who prohibits a pupil from using
22 an inhaler because of the employee’s good faith belief that the requirements of sub.
23 (1r) had not been satisfied or who allows a pupil to use an inhaler because of the
24 employee’s good faith belief that the requirements of sub. (1r) had been satisfied.

25 **SECTION 84.** 118.295 of the statutes is amended to read:

SENATE BILL 146**SECTION 84**

1 **118.295 Suicide intervention; civil liability exemption.** Any school
2 board, private school, tribal school, county children with disabilities education
3 board, or cooperative educational service agency, and any officer, employee, or
4 volunteer thereof, who in good faith attempts to prevent suicide by a pupil is immune
5 from civil liability for his or her acts or omissions in respect to the suicide or
6 attempted suicide. The civil liability immunity provided in this section is in addition
7 to and not in lieu of that provided under s. 895.48 (1).

8 **SECTION 85.** 120.18 (1) (a) 2. and (s) of the statutes are amended to read:

9 120.18 **(1)** (a) 2. Adding the number of persons under this paragraph who were
10 residents of the school district and were enrolled in the school district on the 3rd
11 Friday of September of the previous school year; plus the number of persons under
12 this paragraph who were residents of the school district and who were enrolled in
13 private schools, tribal schools, home-based private educational programs, or other
14 school districts on the 3rd Friday of September of the previous school year; plus the
15 number or an estimate of the number of those persons under this paragraph who
16 were residents of the school district and not enrolled in the school district, private
17 schools, tribal schools, home-based private educational programs, or other school
18 districts on the 3rd Friday of September of the previous school year.

19 (s) Such other facts and statistics in relation to the ~~schools~~, public or, private
20 or tribal schools, in the school district as the department requires.

21 **SECTION 86.** 121.05 (1) (a) 7. of the statutes is amended to read:

22 121.05 **(1)** (a) 7. Pupils enrolled in a nonsectarian private school or program or
23 tribal school under s. 118.15 (1) (d) 4.

24 **SECTION 87.** 121.76 (1) (a) of the statutes is amended to read:

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1 121.76 (1) (a) “Agency of service” means a school board, board of control of a
2 cooperative educational service agency, county children with disabilities education
3 board, or governing body of a nonsectarian private school ~~or~~, university model school,
4 or tribal school, which provides services for which tuition may be charged.

5 **SECTION 88.** 121.76 (2) (c) of the statutes is amended to read:

6 121.76 (2) (c) The agency of service, other than a tribal school, shall rebate a
7 proportional share of state or federal aid received for pupils for whom it received
8 tuition. The rebate shall be paid to the agency or person who paid the tuition within
9 30 days of its receipt by the agency of service.

10 **SECTION 89.** 121.78 (4) of the statutes is amended to read:

11 121.78 (4) COURT-ORDERED EDUCATIONAL SERVICES. If a pupil is receiving
12 educational services as the result of a court order under s. 48.345 (12) or 938.34 (7d),
13 the school board of the school district in which the pupil resided at the time of
14 issuance of the court order shall pay tuition for the pupil. A school board paying
15 tuition for a pupil under this subsection shall count the pupil as 1.0 pupil in
16 membership for general aid under subch. II. The school board shall pay each agency
17 specified under s. 48.345 (12) (a) 2. to 4. or 938.34 (7d) (a) 2. to 4., for each full-time
18 equivalent pupil served by the agency, an amount equal to at least 80% of the average
19 per pupil cost for the school district. No state aid may be paid to the technical college
20 district for pupils attending the technical college under s. 48.345 (12) (a) 4. or 938.34
21 (7d) (a) 4. The minimum amount paid by a school board to a tribal school specified
22 under s. 48.345 (12) (a) 5. or 938.34 (7d) (a) 5., for each full-time equivalent pupil
23 served by the tribal school, shall be determined by multiplying the average per pupil
24 cost for the school district by 0.8 and then subtracting any federal or state aid
25 received by the tribal school for the pupil.

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1 **SECTION 90.** 121.78 (5) of the statutes is created to read:

2 121.78 (5) ALTERNATIVE PROGRAMS. If a pupil is placed in an alternative program
3 under s. 118.15 (1) (d) 4., the school board shall pay tuition for the pupil to the agency
4 of service pursuant to a contractual agreement between the school board and the
5 agency of service. If the agency of service is a tribal school, any federal or state aid
6 received by the tribal school for the pupil shall be subtracted in determining the
7 amount of aid to be paid.

8 **SECTION 91.** 125.09 (2) (a) 2. of the statutes is amended to read:

9 125.09 (2) (a) 2. “School” means a public, school, a parochial or private school,
10 or a tribal school, as defined in s. 115.001 (15m). which provides an educational
11 program for one or more grades between grades 1 and 12 and which is commonly
12 known as an elementary school, middle school, junior high school, senior high school,
13 or high school.

14 **SECTION 92.** 125.68 (3) (intro.) of the statutes is amended to read:

15 125.68 (3) RESTRICTIONS ON LOCATION. (intro.) No “Class A” or “Class B” license
16 or permit may be issued for premises the main entrance of which is less than 300 feet
17 from the main entrance of ~~any~~ a public or parochial school, tribal school, as defined
18 in s 115.001 (15m). hospital, or church, except that this prohibition may be waived
19 by a majority vote of the governing body of the municipality in which the premises
20 is located. The distance shall be measured by the shortest route along the highway
21 from the main entrance of the school, church, or hospital to the main entrance of the
22 premises covered by the license or permit. The prohibition in this subsection does
23 not apply to any of the following:

24 **SECTION 93.** 252.15 (1) (ab) and (2) (a) 7. a. of the statutes are amended to read:

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1 252.15 (1) (ab) “Affected person” means an emergency medical technician; first
2 responder; fire fighter; peace officer; correctional officer; person who is employed at
3 a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential
4 care center for children and youth, as defined in s. 938.02 (15g); state patrol officer;
5 jailer, keeper of a jail, or person designated with custodial authority by the jailer or
6 keeper; health care provider; employee of a health care provider; staff member of a
7 state crime laboratory; social worker; or employee of a school district, cooperative
8 educational service agency, charter school, private school, tribal school, as defined
9 in s. 115.001 (15m), the Wisconsin Educational Services Program for the Deaf and
10 Hard of Hearing, or the Wisconsin Center for the Blind and Visually Impaired.

11 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an emergency
12 medical technician; first responder; fire fighter; peace officer; correctional officer;
13 person who is employed at a juvenile correctional facility, as defined in s. 938.02
14 (10p), or a secured residential care center for children and youth, as defined in s.
15 938.02 (15g); state patrol officer; jailer, keeper of a jail, or person designated with
16 custodial authority by the jailer or keeper, during the course of providing care or
17 services to an individual; a peace officer, correctional officer, state patrol officer,
18 jailer, or keeper of a jail, or person designated with custodial authority by the jailer
19 or keeper, while searching or arresting an individual or while controlling or
20 transferring an individual in custody; a health care provider or an employee of a
21 health care provider, during the course of providing care or treatment to an
22 individual or handling or processing specimens of body fluids or tissues of an
23 individual; a staff member of a state crime laboratory, during the course of handling
24 or processing specimens of body fluids or tissues of an individual; social worker; or
25 an employee of a school district, cooperative educational service agency, charter

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1 school, private school, tribal school, as defined in s. 115.001 (15m), the Wisconsin
2 Educational Services Program for the Deaf and Hard of Hearing, or the Wisconsin
3 Center for the Blind and Visually Impaired, while performing employment duties
4 involving an individual; who is significantly exposed to the individual may subject
5 the individual's blood to a test or a series of tests for the presence of HIV, antigen or
6 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of
7 the results.

8 **SECTION 94.** 255.30 (4) of the statutes is amended to read:

9 255.30 **(4)** The state superintendent of public instruction shall prepare and
10 circulate to each public and private educational institution and to each tribal school,
11 as defined in s. 115.001 (15m), in this state instructions and recommendations for
12 implementing the eye safety provisions of this section.

13 **SECTION 95.** 301.45 (1d) (c) of the statutes is amended to read:

14 301.45 **(1d)** (c) "Student" means a person who is enrolled on a full-time or
15 part-time basis in any public ~~or~~ private, or tribal educational institution, including
16 a secondary school, a business, trade, technical or vocational school, or an institution
17 of higher education.

18 **SECTION 96.** 301.46 (4) (a) 1. of the statutes is amended to read:

19 301.46 **(4)** (a) 1. A public or private elementary or secondary school or a tribal
20 school, as defined in s. 115.001 (15m).

21 **SECTION 97.** 343.06 (1) (c) of the statutes is amended to read:

22 343.06 **(1)** (c) To any person under age 18 unless the person is enrolled in a
23 school program or high school equivalency program and is not a habitual truant as
24 defined in s. 118.16 (1) (a), has graduated from high school or been granted a
25 declaration of high school graduation equivalency, or is enrolled in a home-based

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1 private educational program, as defined in s. 115.001 (3g), and has satisfactorily
2 completed a course in driver education in public schools approved by the department
3 of public instruction, or in technical colleges approved by the technical college system
4 board, or in nonpublic and private schools or tribal schools, as defined in s. 115.001
5 (15m), that meet the minimum standards set by the department of public
6 instruction, or has satisfactorily completed a substantially equivalent course in
7 driver training approved by the department and given by a school licensed by the
8 department under s. 343.61, or has satisfactorily completed a substantially
9 equivalent course in driver education or training approved by another state and has
10 attained the age of 16, except as provided in s. 343.07 (1g). The department shall not
11 issue a license to any person under the age of 18 authorizing the operation of “Class
12 M” vehicles unless the person has successfully completed a basic rider course
13 approved by the department. The department may, by rule, exempt certain persons
14 from the basic rider course requirement of this paragraph. Applicants for a license
15 under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver
16 training course requirement. The secretary shall prescribe rules for licensing of
17 schools and instructors to qualify under this paragraph. The driver education course
18 shall be made available to every eligible student in the state. Except as provided
19 under s. 343.16 (1) (c) and (2) (cm) to (e), no operator’s license may be issued unless
20 a driver’s examination has been administered by the department.

21 **SECTION 98.** 343.07 (1c) of the statutes is amended to read:

22 343.07 (1c) DEFINITION. In this section, “qualified instructor” means a person
23 employed by a public ~~or school~~, private school, or tribal school, as defined in s. 115.001
24 (15m), holding an operator’s license and meeting the teaching certification standards
25 of the department of public instruction or the technical college system board to teach

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1 driver education_; or an instructor of a school licensed under s. 343.61_; or a teacher
2 or student teacher in a driver education course for teachers conducted by an
3 institution of higher education.

4 **SECTION 99.** 343.16 (1) (c) 3. of the statutes is amended to read:

5 343.16 **(1)** (c) 3. A course in driver education in nonpublic and private schools
6 or tribal schools, as defined in s. 115.001 (15m), that meets the minimum standards
7 set by the department of public instruction.

8 **SECTION 100.** 447.06 (2) (a) 2. of the statutes is amended to read:

9 447.06 **(2)** (a) 2. For a school board or a governing body of a private school or
10 of a tribal school, as defined in s. 115.001 (15m).

11 **SECTION 101.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

12 895.48 **(1m)** (a) (intro.) Except as provided in par. (b), any physician or athletic
13 trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed
14 under ch. 447, emergency medical technician licensed under s. 256.15, first
15 responder certified under s. 256.15 (8), physician assistant licensed under ch. 448,
16 registered nurse licensed under ch. 441, or a massage therapist or bodyworker issued
17 a certificate under ch. 460 who renders voluntary health care to a participant in an
18 athletic event or contest sponsored by a nonprofit corporation, as defined in s.
19 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as
20 defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school,
21 as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or
22 omissions in rendering that care if all of the following conditions exist:

23 **SECTION 102.** 895.515 (2) of the statutes is amended to read:

24 895.515 **(2)** Any person engaged in the sale or use of commercial equipment or
25 technology, for profit or not for profit, who donates any commercial equipment or

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1 technology to a public or private elementary or secondary school, a tribal school, as
2 defined in s. 115.001 (15m), or an institution of higher education or who accepts
3 reimbursement in an amount not to exceed overhead and transportation costs for any
4 commercial equipment or technology provided to a public or private elementary or
5 secondary school, to a tribal school, or to an institution of higher education is immune
6 from civil liability for the death of or injury to an individual caused by the commercial
7 equipment or technology.

8 **SECTION 103.** 938.02 (18e) of the statutes is created to read:

9 938.02 **(18e)** “Tribal school” has the meaning given in s. 115.001 (15m).

10 **SECTION 104.** 938.34 (7d) (a) 5. of the statutes is created to read:

11 938.34 **(7d)** (a) 5. Under a contractual agreement with the school district in
12 which the child resides, an educational program provided by a tribal school.

13 **SECTION 105.** 938.34 (7d) (c) of the statutes is amended to read:

14 938.34 **(7d)** (c) The court shall order the county department or licensed child
15 welfare agency responsible for supervising the juvenile to disclose to the school
16 board, technical college district board, tribal school, or private, nonprofit,
17 nonsectarian agency which is providing an educational program under par. (a) 3.
18 records or information about the juvenile, as necessary to assure the provision of
19 appropriate educational services under par. (a).

20 **SECTION 106.** 938.34 (14t) of the statutes is amended to read:

21 **938.34 (14t)** POSSESSION OF A CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE
22 ANALOG ON OR NEAR CERTAIN PREMISES. If the juvenile is adjudicated delinquent under
23 a violation of s. 961.41 (3g) by possessing or attempting to possess a controlled
24 substance included in schedule I or II under ch. 961, a controlled substance analog
25 of a controlled substance included in schedule I or II under ch. 961 or ketamine or

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1 flunitrazepam while in or on the premises of a scattered-site public housing project,
2 as defined in s. 961.01 (20i), while in or on or otherwise within 1,000 feet of a state,
3 county, city, village, or town park, a jail or correctional facility, as defined in s. 961.01
4 (12m), a multiunit public housing project, as defined in s. 961.01 (14m), a swimming
5 pool open to members of the public, a youth center, as defined in s. 961.01 (22), or a
6 community center, while in or on or otherwise within 1,000 feet of any private, tribal,
7 or public school premises, or while in or on or otherwise within 1,000 feet of a school
8 bus, as defined in s. 340.01 (56), the court shall require that the juvenile participate
9 for 100 hours in a supervised work program or other community service work under
10 sub. (5g).

11 **SECTION 107.** 938.342 (1r) of the statutes is amended to read:

12 938.342 (1r) SCHOOL ATTENDANCE CONDITION. If school attendance is a condition
13 of an order under sub. (1d) or (1g), the order shall specify what constitutes a violation
14 of the condition and shall direct the school board of the school district, or the
15 governing body of the private school, in which the person is enrolled, or shall request
16 the governing body of the tribal school in which the person is enrolled, to notify the
17 court or, if the person is under the supervision of an agency under sub. (1g) (j), the
18 agency that is responsible for supervising the person, within 5 days after any
19 violation of the condition by the person.

20 **SECTION 108.** 938.355 (2) (c) of the statutes is amended to read:

21 938.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,
22 the order shall specify what constitutes a violation of the condition and shall direct
23 the school board of the school district, or the governing body of the private school, in
24 which the juvenile is enrolled, or shall request the governing body of the tribal school
25 in which the juvenile is enrolled, to notify the county department that is responsible

SENATE BILL 146**SECTION 108**

1 for supervising the juvenile within 5 days after any violation of the condition by the
2 juvenile.

3 **SECTION 109.** 938.396 (1) (b) 2. of the statutes is amended to read:

4 938.396 (1) (b) 2. The confidential exchange of information between a law
5 enforcement agency and officials of the public or private school attended by the
6 juvenile. A public school official who obtains information under this subdivision
7 shall keep the information confidential as required under s. 118.125, and a private
8 school official who obtains information under this subdivision shall keep the
9 information confidential in the same manner as is required of a public school official
10 under s. 118.125.

11 **SECTION 110.** 938.396 (1) (b) 2m. of the statutes is created to read:

12 938.396 (1) (b) 2m. The confidential exchange of information between a law
13 enforcement agency and officials of the tribal school attended by the juvenile if the
14 law enforcement agency determines that enforceable protections are provided by a
15 tribal school policy or tribal law that requires tribal school officials to keep the
16 information confidential in a manner at least as stringent as is required of a public
17 school official under s. 118.125.

18 **SECTION 111.** 938.396 (1) (c) 3. (intro.), a., c. and d. and 4. of the statutes are
19 amended to read:

20 938.396 (1) (c) 3. (intro.) ~~A law enforcement agency, on its own initiative or on~~
21 At the request of the a school district administrator of a public school district, the,
22 administrator of a private school, or administrator of a tribal school, or the designee
23 of the a school district administrator or the, private school administrator, or tribal
24 school administrator, or on its own initiative, a law enforcement agency may, subject
25 to official agency policy, provide to the school district administrator, private school

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1 administrator, or tribal school administrator or designee, for use as provided in s.
2 118.127 (2), any information in its records relating to any of the following if the
3 official agency policy specifies that the information may not be provided to an
4 administrator of a tribal school or a tribal school administrator's designee unless the
5 governing body of the tribal school agrees that the information will be used by the
6 tribal school as provided in s. 118.127 (2):

7 a. The use, possession, or distribution of alcohol or a controlled substance or
8 controlled substance analog by a juvenile enrolled in the public school district ~~or~~,
9 private school, or tribal school.

10 c. An act for which a juvenile enrolled in the school district ~~or~~, private school,
11 or tribal school was taken into custody under s. 938.19 based on a law enforcement
12 officer's belief that the juvenile was committing or had committed a violation of any
13 state or federal criminal law.

14 d. An act for which a juvenile enrolled in the public school district ~~or~~, private
15 school, or tribal school was adjudged delinquent.

16 4. A law enforcement agency may enter into an interagency agreement with a
17 school board, a private school, a tribal school, a social welfare agency, or another law
18 enforcement agency providing for the routine disclosure of information under subs.
19 (1) (b) 2. and 2m. and (c) 3. to the school board, private school, tribal school, social
20 welfare agency, or other law enforcement agency.

21 **SECTION 112.** 938.396 (2g) (m) of the statutes is amended to read:

22 938.396 **(2g)** (m) *Notification of juvenile's school.* 1. If a petition under s. 938.12
23 or 938.13 (12) is filed alleging that a juvenile has committed a delinquent act that
24 would be a felony if committed by an adult, the court clerk shall notify the school
25 board of the school district, ~~or~~ the governing body of the private school, or the

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1 governing body of the tribal school in which the juvenile is enrolled or the designee
2 of the school board or governing body of the fact that the petition has been filed and
3 the nature of the delinquent act alleged in the petition. If later the proceeding on the
4 petition is closed, dismissed, or otherwise terminated without a finding that the
5 juvenile has committed a delinquent act, the court clerk shall notify the school board
6 of the school district, or the governing body of the private school, or tribal school in
7 which the juvenile is enrolled or the designee of the school board or governing body
8 that the proceeding has been terminated without a finding that the juvenile has
9 committed a delinquent act.

10 2. Subject to subd. 4., if a juvenile is adjudged delinquent, within 5 days after
11 the date on which the dispositional order is entered, the court clerk shall notify the
12 school board of the school district, ~~or~~ the governing body of the private school, or the
13 governing body of the tribal school in which the juvenile is enrolled or the designee
14 of the school board or governing body of the fact that the juvenile has been
15 adjudicated delinquent, the nature of the violation committed by the juvenile, and
16 the disposition imposed on the juvenile under s. 938.34 as a result of the violation.

17 3. If school attendance is a condition of a dispositional order under s. 938.342
18 (1d) or (1g) or 938.355 (2) (b) 7., within 5 days after the date on which the dispositional
19 order is entered, the clerk of the court assigned to exercise jurisdiction under this
20 chapter and ch. 48 or the clerk of the municipal court exercising jurisdiction under
21 s. 938.17 (2) shall notify the school board of the school district, ~~or~~ the governing body
22 of the private school, or the governing body of the tribal school in which the juvenile
23 is enrolled or the designee of the school board or governing body of the fact that the
24 juvenile's school attendance is a condition of a dispositional order.

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1 4. If a juvenile is found to have committed a delinquent act at the request of or
2 for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been
3 a felony under chs. 939 to 948 or 961 if committed by an adult and is adjudged
4 delinquent on that basis, within 5 days after the date on which the dispositional
5 order is entered, the court clerk shall notify the school board of the school district,
6 ~~or the governing body of the private school,~~ or the governing body of the tribal school
7 in which the juvenile is enrolled or the designee of the school board or governing body
8 of the fact that the juvenile has been adjudicated delinquent on that basis, the nature
9 of the violation committed by the juvenile, and the disposition imposed on the
10 juvenile under s. 938.34 as a result of that violation.

11 5. In addition to the disclosure made under subd. 2. or 4., if a juvenile is
12 adjudicated delinquent and as a result of the dispositional order is enrolled in a
13 different school district ~~or, private school,~~ or tribal school from the school district ~~or,~~
14 private school, or tribal school in which the juvenile is enrolled at the time of the
15 dispositional order, the court clerk, within 5 days after the date on which the
16 dispositional order is entered, shall provide the school board of the juvenile's new
17 school district, the governing body of the juvenile's new private school, or the
18 governing body of the tribal school or the designee of the school board or governing
19 body with the information specified in subd. 2. or 4., whichever is applicable, and, in
20 addition, shall notify that school board, governing body, or designee of whether the
21 juvenile has been adjudicated delinquent previously by that court, the nature of any
22 previous violations committed by the juvenile, and the dispositions imposed on the
23 juvenile under s. 938.34 as a result of those previous violations.

24 6. Except as required under subds. 1. to 5. or by order of the court, no
25 information from the juvenile's court records may be disclosed to the school board of

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1 the school district, ~~or~~ the governing body of the private school, or the governing body
2 of the tribal school in which the juvenile is enrolled or the designee of the school board
3 or governing body. Any information from a juvenile's court records provided to the
4 school board of the school district, ~~or the governing body of the private school,~~ in
5 which the juvenile is enrolled or the designee of the school board or governing body
6 shall be disclosed by the school board, governing body, or designee to employees of
7 the school district or private school who work directly with the juvenile or who have
8 been determined by the school board, governing body, or designee to have legitimate
9 educational interests, including safety interests, in the information. A school district
10 or private school employee to whom that information is disclosed may not further
11 disclose the information. If information is disclosed to the governing body of a tribal
12 school under this subdivision, the court shall request that the governing body of the
13 tribal school or its designee disclose the information to employees who work directly
14 with the juvenile or who have been determined by the governing body or its designee
15 to have legitimate educational interests, including safety interests, in the
16 information, and shall further request that the governing body prohibit any
17 employee to whom information is disclosed under this subdivision from further
18 disclosing the information. A school board may not use any information from a
19 juvenile's court records as the sole basis for expelling or suspending a juvenile or as
20 the sole basis for taking any other disciplinary action, including action under the
21 school district's athletic code, against the juvenile. A member of a school board or of
22 the governing body of a private school or tribal school or an employee of a school
23 district ~~or, private school,~~ or tribal school may not be held personally liable for any
24 damages caused by the nondisclosure of any information specified in this subdivision
25 unless the member or employee acted with actual malice in failing to disclose the

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1 information. A school district ~~or~~, private school, or tribal school may not be held liable
2 for any damages caused by the nondisclosure of any information specified in this
3 subdivision unless the school district, private school, or tribal school or its agent
4 acted with gross negligence or with reckless, wanton, or intentional misconduct in
5 failing to disclose the information.

6 **SECTION 113.** 938.78 (2) (b) of the statutes is amended to read:

7 938.78 (2) (b) 1. Paragraph (a) does not apply to the confidential exchange of
8 information between an agency and another social welfare agency, a law
9 enforcement agency, the victim-witness coordinator, a fire investigator under s.
10 165.55 (15), a public school district or a private school regarding an individual in the
11 care or legal custody of the agency. A social welfare agency that obtains information
12 under this paragraph shall keep the information confidential as required under this
13 section and s. 48.78. A law enforcement agency that obtains information under this
14 paragraph shall keep the information confidential as required under ss. 48.396 (1)
15 and 938.396 (1) (a). A public school that obtains information under this paragraph
16 shall keep the information confidential as required under s. 118.125, and a private
17 school that obtains information under this paragraph shall keep the information
18 confidential in the same manner as is required of a public school under s. 118.125.
19 Paragraph (a) does not apply to the confidential exchange of information between an
20 agency and officials of a tribal school regarding an individual in the care or legal
21 custody of the agency if the agency determines that enforceable protections are
22 provided by a tribal school policy or tribal law that requires tribal school officials to
23 keep the information confidential in a manner at least as stringent as is required of
24 a public school official under s. 118.125.

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1 1m. An agency may enter into an interagency agreement with a school board,
2 a private school, a tribal school, a law enforcement agency, or another social welfare
3 agency providing for the routine disclosure of information under subd. 1. to the school
4 board, private school, tribal school, law enforcement agency, or other social welfare
5 agency.

6 2. On petition of an agency to review pupil records, as defined in s. 118.125 (1)
7 (d), other than pupil records that may be disclosed without court order under s.
8 118.125 (2) or (2m), for the purpose of providing treatment or care for an individual
9 in the care or legal custody of the agency, the court may order the school board of the
10 school district, or the governing body of the private school, in which an individual is
11 enrolled to disclose to the agency the pupil records of the individual as necessary for
12 the agency to provide that treatment or care. The court may request the governing
13 body of the tribal school in which an individual is enrolled to disclose to the agency
14 the pupil records of the individual as necessary for the agency to provide that
15 treatment or care. The agency may use the pupil records only for the purpose of
16 providing treatment or care and may make the pupil records available only to
17 employees of the agency who are providing treatment or care for the individual.

18 **SECTION 114.** 939.632 (1) (a) and (d) 3. of the statutes are amended to read:

19 939.632 (1) (a) “School” means a public school, parochial or private school, or
20 tribal school, as defined in s. 115.001 (15m), that provides an educational program
21 for one or more grades between grades 1 and 12 and that is commonly known as an
22 elementary school, middle school, junior high school, senior high school, or high
23 school.

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1 (d) 3. On a school bus or public transportation transporting students to and
2 from a public or private school or to and from a tribal school, as defined in s. 115.001
3 (15m).

4 **SECTION 115.** 944.21 (8) (b) 2. of the statutes is amended to read:

5 944.21 **(8)** (b) 2. A private school, as defined in s. 115.001 (3r), or a tribal school,
6 as defined in s. 115.001 (15m).

7 **SECTION 116.** 948.095 (1) (a) of the statutes is amended to read:

8 948.095 **(1)** (a) “School” means a public or private elementary or secondary
9 school, or a tribal school, as defined in s. 115.001 (15m).

10 **SECTION 117.** 948.11 (4) (b) 2. of the statutes is amended to read:

11 948.11 **(4)** (b) 2. A private school, as defined in s. 115.001 (3r), or a tribal school,
12 as defined in s. 115.001 (15m).

13 **SECTION 118.** 948.50 (2) (a) of the statutes is amended to read:

14 948.50 **(2)** (a) “School” means a public school, parochial or private school, or
15 tribal school, as defined in s. 115.001 (15m), which provides an educational program
16 for one or more grades between kindergarten and grade 12 and which is commonly
17 known as a kindergarten, elementary school, middle school, junior high school,
18 senior high school, or high school.

19 **SECTION 119.** 948.61 (1) (b) of the statutes is amended to read:

20 948.61 **(1)** (b) “School” means a public school, parochial or private school, or
21 tribal school, as defined in s. 115.001 (15m), which provides an educational program
22 for one or more grades between grades 1 and 12 and which is commonly known as
23 an elementary school, middle school, junior high school, senior high school, or high
24 school.

25 **SECTION 120.** 961.49 (1m) (b) 6. of the statutes is amended to read:

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1 961.49 (1m) (b) 6. Any private or public school premises and any premises of
2 a tribal school, as defined in s. 115.001 (15m).

3 **SECTION 121.** 961.495 of the statutes is amended to read:

4 **961.495 Possession or attempted possession of a controlled substance**
5 **on or near certain places.** If any person violates s. 961.41 (3g) by possessing or
6 attempting to possess a controlled substance included in schedule I or II, a controlled
7 substance analog of a controlled substance included in schedule I or II or ketamine
8 or flunitrazepam while in or on the premises of a scattered-site public housing
9 project, while in or on or otherwise within 1,000 feet of a state, county, city, village,
10 or town park, a jail or correctional facility, a multiunit public housing project, a
11 swimming pool open to members of the public, a youth center or a community center,
12 while in or on or otherwise within 1,000 feet of any private or public school premises
13 or of any premises of a tribal school, as defined in s. 115.001 (15m), or while in or on
14 or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court
15 shall, in addition to any other penalties that may apply to the crime, impose 100
16 hours of community service work for a public agency or a nonprofit charitable
17 organization. The court shall ensure that the defendant is provided a written
18 statement of the terms of the community service order and that the community
19 service order is monitored. Any organization or agency acting in good faith to which
20 a defendant is assigned pursuant to an order under this section has immunity from
21 any civil liability in excess of \$25,000 for acts or omissions by or impacting on the
22 defendant.

23 **SECTION 122. Initial applicability.**

24 (1) The treatment of sections 15.377 (4) (f) and (8) (c) 14. and 15.57 (3) of the
25 statutes first applies to appointments made on the effective date of this subsection.

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1 (2) The treatment of section 45.20 (2) (a) 1., (c) 1., and (d) 1. of the statutes first
2 applies to courses completed on the effective date of this subsection.

3 (3) The treatment of sections 48.345 (12) (a) 5., 48.355 (2) (c), 938.34 (7d) (a) 5.,
4 938.342 (1r), 938.355 (2) (c), and 938.396 (2g) (m) 2. to 6. of the statutes first applies
5 to dispositional orders issued on the effective date of this subsection.

6 (4) The treatment of section 938.396 (2g) (m) 1. of the statutes first applies to
7 petitions filed on the effective date of this subsection.

8 (END)